297764 - Making vows (nadhr) using clear or ambiguous wording

the question

I read that there are implicit or ambiguous words for making a vow which become binding if that is the intention of the one who says that. Are these phrases – "*Iyyaka na`abudu* (It is You we worship)", "*As-sirat al-mustaqim* (the straight path)" and "*Sirat alladhina an`amta 'alayhim* (The path of those upon whom You have bestowed favor)" – regarded as implicit and ambiguous phrases which, if they are accompanied by the intention to do some acts of worship or righteous deeds, become binding? What is the ruling?

Summary of answer

The phrases mentioned in the question are not words that count as a vow (nadhr), either explicitly or implicitly.

Detailed answer

Praise be to Allah.

A vow becomes binding when it is expressed in explicit wording, which includes the word an-andhr (vow), such as if someone says, "I vow to do such and such," or "I owe it to Allah as a vow that I should do such and such," or any other words that express a commitment to do something, even if the word nadhr (vow) is not used, such as saying: "I owe it to Allah that I shall do such and such."

It says in *Kashshaf al-Qina`* (6/273): When an accountable person with free will makes a vow, he obliges himself by his words to do something for the sake of Allah, may He be Exalted, that is not obligatory in principle, such as saying "I owe it to Allah" or "I vow to Allah" and similar phrases that convey the same meaning. But that is not binding on someone who is not accountable, similar to confessing to something, or on one who is forced, or if that is done without uttering the vow, except in the case of one who is non-verbal; in his case, he may make a gesture, and that will be

equal to an oath. End quote.

It says in *Al-Mawsu`ah al-Fiqhiyyah*: There is no difference of opinion among the jurists that if someone makes an explicit vow, by saying or writing something which includes the word nadhr (vow), his vow becomes binding on the basis of that wording, and he must fulfil his vow.

Rather the difference of opinion has to do with the wording of the vow if it does not include the word nadhr (vow) – such as if someone says "I owe it to Allah to do such and such," and he did not mention the word "nadhr (vow) – and whether his vow becomes binding with this wording, and is he obliged to fulfil his vow or not? There are two views:

The first view: those who hold this view think that the vow becomes binding and must be fulfilled, even if he did not explicitly use the word nadhr (vow). This applies if his wording implies that he committed himself to that. This view was narrated from Ibn `Umar, when he said concerning a man who said "I owe it to Allah to walk to the Ka`bah": This is a vow and he should walk. Sa`id ibn al-Musayyab, al-Qasim ibn Muhammad and Yazid ibn Ibrahim at-Tamimi said something similar. This was also the view of the Hanafis, Malikis, Shafa`is and Hanbalis, and Ibn Qudamah narrated it from a number of scholars.

Those who hold this view said: if he did not mention the word nadhr (vow) in what he said, that does not have any impact on the fact that the vow has become binding; if he intended the words that he said as a vow, then it is a vow, even if he did not explicitly mention the word nadhr (vow).

They also said that if someone says "I owe it to Allah to do such and such," but he did not say the word nadhr (vow), his words "I owe it" mean that he made it obligatory for himself. So if he says: "I owe it to Allah to walk to the House of Allah, may He be Exalted," then he has made it obligatory for himself to do that, so he must do it, just as if he had said "I vow to do that."

The second view: those who hold this view think that this vow does not become binding unless he explicitly uses the word nadhr (vow). This is another view of Sa'id ibn al-Musayyab and al-Qasim ibn Muhammad.

Those who hold this view based it on rational thinking. Hence they said: A vow (nadhr) is like a statement that something has become obligatory upon a person that Allah, may He be Exalted, did not make obligatory for the one who makes that vow, unless he states explicitly that it has become obligatory for him.(*Al-Mawsu`ah al-Fiqhiyyah al-Kuwaitiyyah*, 40/140).

Secondly:

A number of Shafa`i scholars clearly stated that a vow that is expressed implicitly becomes obligatory if it is done with the intention of making a vow.

Al-Khatib ash-Sharbini said in *Mughni al-Muhtaj* (6/232): With regard to the wording, it is stipulated that there should be some words that give the meaning of commitment, so it does not become binding on the basis of mere intention, unlike other contracts. And it becomes binding for one who is non-verbal if he makes a clearly-understood gesture.

Our shaykh also said: It becomes binding when implicit words are spoken by one who is able to speak, if that is accompanied by the intention.

Al-Adhra`i said: It is more appropriate that [a vow] should become binding on the basis of intention than a commercial transaction. End quote.

Ash-Shirwani said in his commentary on *Tuhfat al-Muhtaj* (8/47): A vow (nadhr) is a word that gives the meaning of commitment, whether it is explicit or implicit. End quote.

One example of that is if someone says: I am committed to offering an udhiyah (sacrifice), or: It is binding upon me [to offer a sacrifice], as is mentioned in *Tuhfat al-Muhtaj* (9/346).

Some of the scholars said that it is similar to saying: I give this wealth in charity.

Ash-Sharbini said: The correct view is that these are explicit phrases, as stated in *Sharh al-'Ubab li Hajr*.

End quote from his commentary on *Al-Gharar al-Bahiyyah* (2/167).

The phrases mentioned above, and those concerning which the jurists differed, may imply some level of commitment.

As for the phrases mentioned in the question, there is no indication of commitment in them, and they have nothing to do with phrases that may give the meaning of commitment or a vow at all.

So if someone says them with the intention of doing some act of worship, that is not a vow.

This is similar to implicit phrases of divorce (talaq): no divorce takes place as a result of such words unless the phrase used may implicitly mean divorce. So if a man says to his wife “Get out of the house,” intending that as a divorce (talaq), then it counts as such. But if he says to her, “You are tall” or “You are short”, and says “I intended that as a divorce,” she is not divorced, because such phrases cannot mean divorce at all.

Therefore, implicit phrases of divorce cannot count as divorce unless the words used could implicitly mean divorce.

As for words that cannot mean divorce, they do not count as anything.

See: *Ash-Sharh al-Mumti`*, 13/86.

Conclusion:

The phrases mentioned in the question are not words that count as a vow (nadhr), either explicitly or implicitly.

And Allah knows best.